AO 91 (Rev. 08/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED
AUG 13 2014
Clerk of Court

# UNITED STATES DISTRICT COURT
for the
Southern District of Texas

United States of America
v.
1 Esmeralda Lourdes GARCIA
2 Eliel SILVA-Sedano
Defendant(s)

Case No. M-14-1558-M

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 12, 2014 in the county of Hidalgo in the Southern District of Texas, the defendant(s) violated:

Code Section	*Offense Description*
8 U.S.C. § 1324(a)(1)(A)(iii)	Knowing and in reckless disregard of the fact that Felipe de Jesus AGUILAR-Alvarez and Heriberto MATIAS-Ordonez, who were aliens, who had come to, entered and remained in the United States in violation of law, conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such aliens in any place, including any building or any means of transportation; to wit a residence in McAllen, Texas.

This criminal complaint is based on these facts:
On April 8, 2014, U.S. Customs and Border Protection, Office of Border Patrol, McAllen, Texas, received information of a possible stash house in McAllen, Texas.

SEE ATTACHMENT "A"

✓ Continued on the attached sheet.

approved by AUSA [signature]

[signature]
Complainant's signature

Eduardo Casas, U.S. ICE HSI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 8/13/2014

[signature: Dorina Ramos]
Judge's signature

City and state: McAllen, Texas

Dorina Ramos, U.S. Magistrate Judge
Printed name and title

Attachment "A"

On August 12 2014, CBP/OBP Agents were conducting surveillance at 901 North 26th Street, McAllen, Texas, when CBP/OBP Agents observed a white GMC Yukon, bearing Texas BC4-P261, arrive at the location. CBP/OBP Agents observed 10 to 12 individuals get into the vehicle. After the vehicle departed the residence, a McAllen, Texas Police Department (McAllen PD) marked unit initiated a vehicle stop for a traffic violation. After the vehicle stop was conducted, several individuals attempted to abscond, but were apprehended by CBP/OBP Agents and McAllen PD Officers to include the driver, later identified as Eliel GARCIA-Sedano. An additional 7 individuals were found in the vehicle. All of the individuals were found to be illegally present in the United States. Four more undocumented aliens (UDAs) were apprehended at the residence. A total of 18 UDAs were apprehended to include material witnesses, Felipe de Jesus AGUILAR-Alvarez and Heriberto MATIAS-Ordonez, citizens and nationals of Mexico.

Through the use of photo lineups, material witness AGUILAR-Alvarez identified Esmeralda Lourdes GARCIA and Eliel SILVA-Sedano. AGUILAR-Alvarez identified GARCIA as the person who allowed him into the house and instructed him to go to the back room. GARCIA would tell the UDAs when to eat and she told the UDAs they needed to stay in the room other than when the UDAs ate or needed to go to the restroom. In addition, GARCIA told the UDAs when they were going to get picked up and she cooked for them.

AGUILAR-Alvarez identified SILVA-Sedano as the driver that picked the UDAs from the stash house. SILVA-Sedano instructed the UDAs to make sure they were not visible. After the police initiated the vehicle stop, SILVA-Sedano told the UDAs to run as the vehicle came to a stop.

Through the use of a photo lineup, material witness, MATIAS-Ordonez, identified GARCIA as the person who brought food to the house and instructed him to go to the back of the room. GARCIA instructed the UDAs not to make noise in the house.

SILVA-Sedano was read his Miranda Rights by SA Eduardo Casas. SILVA-Sedano waived his rights and provided the following information. SILVA-Sedano stated he drove the vehicle so that he could get a discount on what he owed on his smuggling fee. After picking up the UDAs from the stash house, he was going to transport the UDAs to a store located at a street SILVA-Sedano identified as Jackson where someone else was supposed to come by and pick up the vehicle. SILVA-Sedano knew he was transporting UDAs.

GARCIA was read ~~his~~ her Miranda Rights by SA Casas. GARCIA waived ~~his~~ her rights and provided the following information. GARCIA stated she offered to help out a female subject she identified as "CARMEN" with taking care of UDAs because she needed money for a trip to New York City. CARMEN paid her $20.00 per UDA. CARMEN would bring the food and GARCIA would cook. GARCIA would then give the food to the UDAs. Through the use of a photo lineup, GARCIA stated SILVA-Sedano look liked the driver that drove the vehicle.